



February 14th, 2023

VIA ECF

Chief Magistrate Judge Cheryl L. Pollack
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Case 1:22-cv-06681-NGG-CLP
Carlton Roman vs. The City of New York et al.

Dear Honorable Judge Pollack:

I am the attorney for the plaintiff Carlton Roman in the above captioned matter. Mr. Roman was exonerated after spending 31 years in prison for a murder he did not commit.

This matter is scheduled for a pre-motion conference for defendants' anticipated Motion to Dismiss. By way of history, on November 2, 2022, our office filed a Summons and Complaint (Document No 1) seeking damages for Mr. Roman's wrongful conviction.

On December 19, 2022, my office filed a First Amended Complaint encompassing additional material claims against the defendants. (Docket No 7).

Subsequent to filing of the First Amended Complaint, we confirmed that the name of defendant Palermo was incorrectly named as Joseph Palermo instead of Leonard Palermo. His first name in the caption and within two paragraphs of the Complaint was incorrect. Joseph should have been Leonard. To rectify this error and ensure that the correct first name was substituted, and after speaking with the clerk's office, we filed a Second Amended Complaint on February 8, 2023 (Docket No 22), for the sole purpose of making the correction. There were no substantive changes to the Complaint and no party would be prejudiced by this ministerial correction. A letter explaining this was filed jointly with the Second Amended Complaint.



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However, the filing was done without obtaining leave to file from the Court, and we did not obtain consent from opposing counsel.

In order to correct the name of defendant Palermo, we will respectfully need to file a Third Amended Complaint, which will be substantively identical to the Second Amended Complaint, except it will replace the name Joseph Palermo with his correct name Leonard Palermo in the caption and within the body of the complaint.

On February 14th, 2023, Assistant Corporation Counsel Seema Kassab, consented to this filing.

Respectfully submitted,



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